

JUDGMENT

S.B. CIVIL MISC. APPEAL NO.50/1995.

Date of Judgment :: 2nd May 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. J. Gehlot, for the appellants.
Mr. Santosh Choudhary for
Mr. Anil Bachhawat, for the respondent No.3.

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BY THE COURT:

This appeal has been preferred by the owner and driver of the vehicle involved in accident against the award dated 21.12.1993 made by the Motor Accidents Claims Tribunal (Additional District Judge No.1), Hanumangarh in Claim Case No.60/1988 essentially questioning the quantum of compensation and the rate of interest at 12% per annum as

awarded by the Tribunal.

For awarding compensation to the parents of the vehicular accident victim Resham Singh, about 21 years of age, the Tribunal has taken his income at Rs.700/- per month as a tractor-driver; but has taken loss of contribution for the claimants only at Rs.100/- per month; has assessed pecuniary loss for 40 years at Rs.48,000/- (1,200/- x 40); has further allowed Rs.2,000/- towards non-pecuniary loss; and in this manner has made the award of compensation in the sum of Rs.50,000/- and has allowed interest @ 12% per annum from the date of filing of the claim application, i.e. 03.12.1987.

Assailing the award aforesaid, it has been contended by learned counsel for the appellants that the Tribunal has seriously erred in assessing the loss for the claimants by applying a multiplier of 40 and has further erred in allowing a higher rate of interest at 12% per annum and, therefore, the award in question deserves modification. None has appeared for the claimants.

Having given a thoughtful consideration to the submissions of the learned counsel for the appellant and having examined the entire record of the case, this Court is clearly of opinion that the present appeal remains bereft of substance and deserves to be dismissed.

It is true that the Tribunal has purportedly applied the multiplier of 40 to assess pecuniary loss but then, the Tribunal has committed another serious error in taking the loss of contribution for the parents only at about one-seventh of the last known income of the deceased. Even if the deceased was in a young age of 21 years and was likely to get married in future and thereby a larger part of his income was likely to get diverted to his own family, it does not appear sound a proposition that his average contribution to the parents would have receded only to one-seventh of his income. The multiplicand adopted by the Tribunal at Rs.1,200/- per annum obviously falls much short of a reasonable estimate. This Court is of opinion that in the overall circumstances of the case, a reasonable estimate of pecuniary loss in this case would have been on the basis of loss of contribution at about half of the income of the deceased, i.e. at Rs.350/- per month, leading to the multiplicand of Rs.4,200/- per annum; and even when capitalised by a lower side multiplier of 13, in view age of the mother of deceased stated at about 50 years, the amount of pecuniary loss would have been in the sum of Rs.54,600/-. Then, the Tribunal has committed another error in restricting the amount towards non-pecuniary loss only at Rs.2,000/-. Therefore, the ultimate amount as awarded by the Tribunal in this case in the sum of Rs.50,000/- could only be

said to be low and rather inadequate; and rules out any scope for reduction at the instance of the appellants.

The objection against the rate of interest at 12% per annum is equally bereft of substance. During the relevant period of the year 1993, 12% per annum was the normal rate of interest allowed in such awards; and the Tribunal has not committed any error in allowing such normal rate of interest in the award in question. Moreover, looking to the meagre amount of compensation awarded by the Tribunal that appears to be rather on the lower side, the rate of interest allowed by the Tribunal at 12% per annum cannot be said to be resulting in any injustice.

There appears no reason or justification to interfere with the award in question at the instance of the present appellants.

As result of the discussion aforesaid, the appeal fails and is, therefore, dismissed. No costs.

(DINESH MAHESHWARI), J.

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